

Senate with the recommendation that it do pass, and be not printed.

Stone, Chairman; Brachfield, Paulus, Harper, Meachum, Griggs, Skinner, Chambers.

(Floor Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 46, A bill to be entitled "An Act to regulate the practice in the district, county and appellate courts and Supreme Court of the State, and with an emergency clause,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

Stone, Chairman; Brachfield, Harper, Green, Meachum, Chambers, Skinner.

(Floor Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title 15, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Looney, Chairman; Paulus, Cunningham, Greer, Stokes, Alexander, Watson, Hudspeth.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 47, A bill to be entitled "An Act to limit the jurisdiction of the several courts of the State of Texas, in suits by parties who are not citizens of this State, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, April 29, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Murray.
Cunningham.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Hudspeth.	Willacy.
Kellie.	

Absent.

Chambers.	Masterson.
Faust.	Mayfield.
Harbison.	Veale.
Holsey.	Watson.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

## BILLS AND RESOLUTIONS.

By Senator Griggs:

Senate bill No. 54, A bill to be entitled "An Act to amend Chapter 4, Title XXI, Revised Statutes of Texas of 1895, by amending Article 672 and by adding thereto Article 672a, relating to liability of stockholders, prescribing rules of practice and procedure for the enforcement of said laws and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

## SENATE BILLS NOS. 41 AND 43.

The Chair laid before the Senate, as special order, Senate bills Nos. 41 and 43, the State Text-Book Bills.

## SENATE CONCURRENT RESOLUTION NO. 1—HOUSE AMENDMENTS CONCURRED IN.

Senator Alexander called up, as privilege matter, Senate Concurrent Resolution No. 1 for the purpose of concur-

ring in the following House amendments:

Amend Senate Concurrent Resolution No. 1, by adding thereto the following:

"Be it further resolved, That State Senator R. B. Green, on the part of the Senate, and Representative W. P. Lane, on the part of the House, are hereby authorized and requested to personally extend this invitation."

On motion of Senator Alexander, the amendment was concurred in.

#### SENATE BILLS NOS. 41 AND 43.

Action recurred on Senate bills Nos. 41 and 43.

Senator Harper moved to adopt the majority committee report.

Senator Barrett moved, as a substitute, the adoption of the minority committee report.

#### RECESS.

On motion of Senator Glasscock, the Senate, at 12:20 o'clock, recessed until 2:30 o'clock today.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### SENATE BILLS NOS. 41 AND 43.

Action recurred on Senate bills Nos. 41 and 43, the question being on the substitute motion by Senator Barrett to adopt the minority committee report.

The substitute motion was adopted by the following vote:

#### Yeas—14.

Barrett.	Looney.
Brachfield.	Meachum.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Skinner.
Griggs.	Terrell.
Hudspeth.	Willacy.

#### Nays—10.

Alexander.	Kellie.
Glasscock.	Murray.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.

#### Absent.

Chambers.	Mayfield.
Harbison.	Veale.
Holsey.	Watson.
Masterson.	

Senator Barrett moved to reconsider the vote by which the substitute was adopted, and lay that motion on the table.

The motion to table prevailed.

The minority committee report, as substituted, was then adopted.

Senator Meachum offered the following amendment, which was adopted:

Amend the printed bill, page 7, Section 8, by striking out all after the word "points," in line 21, down to and including the word "Board," in line 23.

Senator Skinner offered the following amendment:

Amend the bill by inserting after the word "used," in line 13, page 2, the following: "Unless approved by the trustees of such school, and price, binding, print, arrangement and general merit are approved by the Board of Education of the State, and then they shall not be used."

Senator Barrett offered the following amendment to the amendment:

Amend the amendment by striking out all after the words "trustees of such school."

Senator Skinner offered the following substitute for the amendment and amendment to the amendment, which was adopted:

Amend the bill by inserting after the word "used," in line 13, page 2, the following: "Unless approved by the trustees of such school as to price, binding, print and general arrangement, and they shall not then be used."

Senator Terrell offered the following substitute for the amendment as substituted:

Amend the bill by inserting between the words "act" and "but," in line 4, page 2, the following: "Provided, all supplementary books shall be selected by the State Board in the same manner as text-books are selected."

Senator Barrett moved to table the substitute offered by Senator Terrell.

The motion to table prevailed by the following vote:

#### Yeas—13.

Alexander.	Green.
Barrett.	Griggs.
Brachfield.	Grinnan.
Cunningham.	Paulus.
Faust.	Senter.

Skinner. Willacy.  
Smith.

Nays—11.

Glasscock. Meachum.  
Greer. Murray.  
Harper. Stokes.  
Hudspeth. Stone.  
Kellie. Terrell.  
Looney.

Absent.

Chambers. Mayfield.  
Harbison. Veale.  
Holsey. Watson.  
Masterson.

The amendment as substituted was then adopted.

Senator Senter offered the following amendment:

Amend the bill, Section 1, page 2, by inserting after the words "under this act," in line 15, the following words: "Provided, that the State Board of Education shall be empowered, at its discretion, to authorize the school authorities of any city acting under a special charter to retain in use any book or books now in use in the public schools of said city upon application therefor to said Board by said authorities, supported by proof satisfactory to the Board that a change therein would not, considering the general result, save expense to the patrons of the schools of said city, and in the event said board should grant such authority, it shall specify the books which are thus permitted to be used, and the prices to be paid therefor, and in the event any such change shall be made therein, either in such books or the prices thus fixed, such authority shall be thereby revoked. No such authority shall be given, however, unless the publishers of the books in use or proposed to be used in any such city shall agree in writing to receive in exchange for such books any of the books adopted by the Text-Book Board herein provided for under the regulations and at prices to be fixed by the State Board of Education."

Pending.

#### REASONS FOR VOTING.

I vote "nay" on the adoption of the minority report on Committee Substitute for Senate bills Nos. 41 and 43, known as the Text-Book Bill. I have full confidence in the Governor, but it seems to me unquestionably true that the President of the State University and the

State Superintendent of Public Instruction, each being in close and vital touch with the teachers and the public schools of the State, would be of material assistance to the Governor in the selection of this Board. Believing thus, and having the keenest interest in the education of the boys and girls of my State, I cast my vote to allow these three competent and distinguished gentlemen to select the Text-Book Board.

ALEXANDER.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 29, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 10, A bill to be entitled "An Act prescribing franchise taxes to be paid by private domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas and providing for the collection thereof, prescribing conditions upon which foreign corporations may obtain permits to do such business, and for the surrender of such permits; fixing a basis for the computation of the amount of such taxes, etc., exempting certain classes of corporations from the provisions of this act," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 10, to Finance Committee.

#### BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

Senate Concurrent Resolution No. 1, A resolution inviting the United Confederate Veterans to hold their annual meeting for 1908 at San Antonio, Texas.

#### ADJOURNMENT.

On motion of Senator Terrell, the Senate, at 5:30 o'clock, adjourned until tomorrow at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Committee Room,  
Austin, Texas, April 29, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act to amend Chapter 4, Title XXI, Revised Statutes of Texas of 1895, by amending Article 672, and by adding thereto Article 672a, relating to liability of stockholders, prescribing rules of practice and procedure for the enforcement of said laws, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Griggs, Meachum, Skinner, Green, Harper, Paulus, Senter, Grinnan.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 32, A bill to be entitled "An Act to authorize appeals from final judgments of the district and county courts solely upon questions of law, and to provide for the procedure therein,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 28, A bill to be entitled "An Act to provide for the inspection of books, documents and papers, and taking copies thereof for the use in suits in the courts of this State,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 53, A bill to be entitled "An Act providing for the continuance of law suits, and providing that if an attorney in or a party to any law suit, pending in any court in this State and set for trial, is a member of the Legislature, and is in actual attendance on the session of the Legislature, that the same shall be cause for a continuance of any such suit,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 53, A bill to be entitled "An Act providing for the continuance of law suits, and providing that if an attorney in or a party to any law suit, pending in any court in this State and set for trial, is a member of the Legislature, and is in actual attendance on the session of the Legislature, that the same shall be cause for a continuance of any such suit,"

Have had the same under consideration, and I report same back to the Senate with the recommendation that it do not pass.

BRACHFIELD.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, A bill to be entitled "An Act to amend Article 1183, Chapter 2, Title XXX, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 18, A bill to be entitled "An Act to amend 3231, Chapter 11, Title LXII, of the Revised Civil Statutes of Texas, 1895, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county courts and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 18, A bill to be entitled "An Act to amend 3231, Chapter 11, Title LXII, of the Revised Civil Statutes of Texas, 1895, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county courts and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

BRACHFIELD,  
SENER.

(Majority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 34, A bill to be entitled "An Act to amend Article 1416, Chapter 19, Title XXX, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 34, A bill to be entitled "An Act to amend Article 1416, Chapter 19, Title XXX, of the Revised Civil Statutes of the State of Texas."

Have had the same under consideration, and I report same back to the Senate with the recommendation that it do pass.

SENER.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 35, A bill to be entitled "An Act to amend Article 941, Chapter 3, Title 27, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to amend Article 1018, Chapter 16, Title XXVII, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to amend Article 1018, Chapter 16, Title XXVII, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, with the following amendment: Strike out in Section 1, line 12, the words "and none other."

SENER,  
GRIGGS.

(Majority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary committee No. 1, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act to amend Article 1317, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 20, "An Act to amend Article 1317, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I report same back to the Senate with the recommendation that it do pass.

SENER.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 40, A bill to be en-

titled "An Act to amend Section 3 of Chapter 128 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to provide for recording notices lis pendens and levies, to define the effect of such notice and to repeal all laws in conflict therewith,' and to declare an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 33, A bill to be entitled "An Act to provide for the appointment of a court referee in certain counties of the State; to prescribe his duties and authority; to provide for the reference of causes pending in court to him, and for the taking by him of depositions of witnesses in pending cases; to prescribe the fees to be charged for such services by the referee, and the salary to be paid him, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Insert after "itself," in Section 1, line 12, and before the word "constitutes," in line 13, the word "now"; also insert in Section 1, line 15, after the word "which," and before the word "contains," the word "now," also strike out of Section 16, line 13, after the word "qualify," the following: "But shall be removable at any time by the unanimous vote of the judges of the courts mentioned in Section 1 hereof."

STONE, Chairman.

Committee Room,  
Austin, Texas, April 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 52, A bill to be entitled "An Act to amend Article 3219, Chapter 9, of the Revised Civil Statutes, relating to the formation of the jury for the trial of a cause. This article

shall not apply to counties having a city of twenty thousand inhabitants, as shown by the last decennial census, with an emergency clause,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Strike out the word "shall," in line 14, Section 1, and insert in lieu thereof the word "may," also, add in Section 1, line 18, after the word "jury," the following: "Provided, that the same shall not delay report in the trial of said cause."

STONE, Chairman.

### THIRTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, April 30, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Chambers.	Holsey.
Glasscock.	Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

(See Appendix for committee reports.)

### EXCUSED.

On motion of Senator Terrell, Senator Masterson was excused from attendance upon the Senate for all of last week and Monday of this week on account of important business.

### BILLS AND RESOLUTIONS.

By Senators Looney, Willacy and Skinner:

Senate bill No. 55, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on the assessment rolls."

Read first time, and referred to Finance Committee.

Morning call concluded.

### SENATE BILLS NOS. 41 AND 43.

The Chair laid before the Senate, as pending business, Senate bills Nos. 41 and 43, the State Text-Book Bills,

The question being on the amendment offered by Senator Senter (for amendment. (See yesterday's Journal.)

Senator Smith moved the previous question on the pending amendment, which was ordered.

The amendment was adopted by the following vote:

Yeas—14.

Green.	Masterson.
Greer.	Meachum.
Griggs.	Murray.
Harbison.	Senter.
Harper.	Smith.
Hudspeth.	Stone.
Kellie.	Watson.

Nays—11.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Skinner.
Cunningham.	Terrell.
Faust.	Willacy.
Grinnan.	

Absent.

Chambers.	Stokes.
Holsey.	Veale.

PAIRED.

Senator Paulus (present), who would